

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting Official Record

November 16, 2011
6:00 P.M.

Mayor Michael W. Tucker called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Kibler, Pasceri, Smith, McKenzie, Chapman, and Genewick.

RECESS

Recess for public input.

111611.1 **APPROVAL OF MINUTES**

On motion of Alderman Pasceri, seconded by Alderman Kibler, the minutes of the Special Meeting of October 24, 2011 and the Regular Meeting of November 2, 2011 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE CITY CLERK

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments.
Referred to the Finance Committee.

Communications (which have been referred to the appropriate City officials)

11/14/11 Christopher Parada, Historic Palace, Inc, 2 East Avenue, Lockport, NY – request permission to close Elm Street for Light Up Lockport on December 3, 2011.
Referred to the Committee of the Whole

11/15/11 Pastor Mary Mount, Lion of Judah, Inc, 75 Roosevelt Drive, Lockport, NY – requesting permission to conduct a Turkey Basket Giveaway on November 19, 2011 in city parking lot #5.
Referred to the Committee of the Whole

Notice of Defect:

11/3/11 Railroad Crossing conditions – citywide.
11/10/11 749 Walnut Street, Lockport, NY – tree
Referred to the Highways & Parks Department.

MOTIONS & RESOLUTIONS

111611.2

By Alderman Kibler:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on November 18, 2011.

Seconded by Alderman Pasceri and adopted. Ayes 6.

111611.3

By Alderman Kibler:

Resolved, that claims authorized for payment by the Director of Planning and Development, and subsequently paid from the Community Development Escrow Account, be and the same are hereby approved.

Seconded by Alderman McKenzie and adopted. Ayes 6.

111611.4

By Alderman Chapman:

Resolved, that the Director of Utilities is hereby authorized and directed to prepare bid specifications for water meters, and be it further

Resolved, that upon receipt of said specifications, the City Clerk is authorized and directed to advertise for bid proposals for same.

Seconded by Alderman Genewick and adopted. Ayes 6.

111611.5

By Alderman Kibler:

Whereas, the City of Lockport has entered into a Contract with Regional Environmental Demolition(RED) to remove the asbestos of 2 & 10 Washburn Street through a Controlled Demolition Process, and

Whereas, an unforeseen contamination of PCBs has been identified, and

Whereas, the Niagara County Brownfield's Development Corporation (NCBDC) has offered additional funding of \$150,000 to remove this contamination, and

Whereas, RED has estimated the cost to remove the contamination at \$86,000,

Resolved that the Mayor is authorized and directed to accept the additional funding of \$150,000 from the NCBDC by an amendment to the existing Contract, and

Resolved that the Director of Engineering is directed and authorized to increase the Contract value of RED by an amount up to \$150,000 for additional work as authorized by the Director of Engineering

Seconded by Alderman Pasceri and adopted. Ayes 6.

111611.6

By Alderman Pasceri:

Resolved, that pursuant to Section 32 of the NYS Public Housing Law and subject to Corporation Counsel approval, a 2% salary increase for Lockport Housing Authority Management Association Employees is approved for the fiscal years beginning April 2011, April 2012, and April 2013.

Seconded by Alderman McKenzie and adopted. Ayes 6.

111611.6A

By Alderman Smith:

Resolved, that pursuant to the request of Donna Eick, property owner of 7 Charles Street, Lockport, NY, permission is hereby granted to erect and maintain a handicap ramp in the City's right-of-way at 7 Charles Street, Lockport, NY subject to the following provisions:

that upon motion of the Common Council, duly adopted by a majority vote only, and thirty days notice from the City Clerk, the handicap ramp must be removed,

filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, leaving the City free and clear of all liability in connection therewith,

payment of the revocable permit fee of \$100.00 renewable annually.

Seconded by Alderman Pasceri and adopted. Ayes 6.

By Alderman Kibler:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman McKenzie and adopted. Ayes 6.

116111.6B

By Alderman Pasceri:

Resolved, that the Lockport City Code, Chapter 66 BUILDING CONSTRUCTION ADMINISTRATION § 66-20. Definitions; building permit fees be deleted in its entirety and the following inserted therefore and in its place:

A. Definitions. For purposes of this section, the following definitions apply:

FLOOR AREA

The habitable floor, using exterior building dimensions, plus the floor area of any accessory structure, such as a garage, shed, tennis court, etc.

B. Building permit fees. The following fees shall be payable to the Department of Building Inspection before the issuance of a building permit, certificate of occupancy or home occupation:

(1) One- and two-family dwellings and additions:

(a) Six-hundred-fifty square feet or less: \$100.

(b) Each additional square foot: \$0.15.

(c) Extension of an active permit after 12 months will be 75% of the original permit fee.

(2) Multiple dwellings.

(a) Multiple dwelling, including three or more dwelling units, townhouses, apartment buildings and additions.

[1] First five units: \$0.15 per square foot.

[2] Next 10 units: \$50 each.

[3] Additional units: \$25 each.

[4] Extension of an active permit after 12 months will be 75% of the original permit fee.

(3) Detached buildings.

(a) Detached residential storage buildings:

[1] One hundred forty-four square feet or less: \$25.

[2] One hundred forty-four square feet to 360 square feet: \$75.

[3] Extension of an active permit after 12 months will be 75% of the original permit fee.

(b) Detached residential garage and carports:

[1] Three-hundred-sixty-one square feet or less: \$75.

[2] Each additional square foot: \$0.10.

[3] Extension of an active permit after 12 months will be 75% of the original permit fee.

(4) Residential alterations and repairs:

(a) Up to \$500 of cost: \$10.

(b) Over \$500 up to \$1,000 of cost: \$25.

(c) For each \$1,000 over \$1,000 of cost: \$2.

(d) Extension of an active permit after 12 months will be 75% of the original permit fee.

(5) Swimming pools: \$50.

(6) Solid-fuel-burning devices and/or chimneys: \$50.

(7) Residential driveways:

(a) Not included with building permit: \$25.

(b) Resurface driveway: \$25.

(8) Miscellaneous structures/buildings (i.e., open porches and decks):

- (a) One hundred forty-four square feet or less: \$35.
- (b) Over 144 square feet: \$50.
- (c) Extension of an active permit after 12 months will be 75% of the original permit fee.

(9) Nonresidential buildings, including buildings and structures accessory thereto and additions.

- (a) Zero to 1,000 square feet of floor space: \$250.
- (b) Over 1,000 square feet to 5,000 square feet of floor space: \$0.25 per square foot.
- (c) Five thousand square feet and over: \$0.05 per square foot.
- (d) Extension of an active permit after 12 months will be 75% of the original permit fee.

(10) Nonresidential alterations and repairs:

- (a) Up to \$500: \$50.
- (b) Over \$500 up to \$1,000: \$100.
- (c) For each \$1,000 over \$1,000: \$2.
- (d) Extension of an active permit after 12 months will be 75% of the original permit fee.

(11) Demolition of buildings:

(a) Residential:

- [1] Up to 1,000 square feet: \$50.
- [2] Over 1,000 to 2,000 square feet: \$75.
- [3] Over 2,000 square feet: \$100.
- [4] Detached accessory structure: \$25.
- [5] Extension of an active permit after 12 months will be 75% of the original permit fee.

(b) Nonresidential:

- [1] From zero to 5,000 cubic feet: \$75.
- [2] Five thousand one to 10,000 cubic feet: \$100.

[3] Ten thousand one to 20,000 cubic feet: \$125.

[4] Twenty thousand one to 50,000 cubic feet: \$150.

[5] Fifty thousand one to 100,000 cubic feet: \$175.

[6] One hundred thousand one to 200,000 cubic feet: \$225.

[7] Two hundred thousand one to 500,000 cubic feet: \$300.

[8] Over 500,000 cubic feet: \$1,000.

[9] Extension of an active permit after 12 months will be 75% of the original permit fee.

(12) Fences: \$20.

(a) Extension of an active permit after 12 months will be 75% of the original permit fee.

(13) Signs:

(b) Up to 12 square feet (each face): \$25

(b) Up to 100 square feet (each face): \$50.

(c) Each additional 100 square feet (per face): \$20.

(d) Alteration to or relocation of existing signs: \$30.

(e) Temporary signs:

[1] Thirty-day permit: \$50 plus \$100 deposit. (See § [190-126A](#) of the Zoning Ordinance.)

(f) A Frame sign: \$25

(e) Extension of an active permit after 12 months will be 75% of the original permit fee.

(14) Plumbing fixtures:

(a) One to five: \$50.

(b) Six to 10: \$75.

(c) Eleven to 15: \$125.

(d) Over 15: \$200.

(e) Extension of an active permit after 12 months will be 75% of the original permit fee.

(15) Sewer laterals:

(a) First 100 feet: \$50.

(b) For each additional 50 feet: \$10.

(c) Extension of an active permit after 12 months will be 75% of the original permit fee.

(16) Water laterals:

(a) First 100: \$50.

(b) For each additional 50 feet: \$10.

(c) Extension of an active permit after 12 months will be 75% of the original permit fee.

(17) Tanks:

(a) Aboveground: \$0.05 per gallon.

(b) Underground: \$0.05 per gallon.

(c) Extension of an active permit after 12 months will be 75% of the original permit fee.

(18) Home occupation application fee: \$100.

(a) Annual fee: \$100.

(19) Temporary building or trailers: \$100.

(a) Extension of an active permit after 12 months will be 75% of the original permit fee.

(20) Certificates of compliance:

(a) Single family: \$100.

(b) Two-family: \$125.

(c) Multiple-family, each dwelling unit or sleeping room: \$25, with a minimum fee of \$150.

(d) Commercial, per tenant: \$75, with a minimum fee of \$250.

(e) Industrial, per tenant: \$125, with a minimum fee of \$500.

(f) Copy of any certificate: \$25.

(21) Recreation fees:

(a) Single-family dwelling or building lot: \$50.

(b) Two-family dwelling: \$75.

(c) Multiple-family (per unit): \$35.

(d) Multiple-family development (per acre or portion thereof): \$150.

(22) Parking lot: \$200.

(a) Resurface parking lot: \$100.

(b) Less than 25% of total area (ie: patch): \$50

(b) Extension of an active permit after 12 months will be 75% of the original permit fee.

And be it further

Resolved, that resolution #051502.4 regarding City Code § 190-188 Zoning Board of Appeals application fee in the amount of \$135 be amended and increased to \$150. And be it further,

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a Local Law relative to City Code Chapter 66 § 16, regarding Building Construction and Administration Fees, and be it further

Resolved, that a public hearing be held at the Common Council meeting of December 7, 2011 starting at 6:00 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said local law, and be it further

Resolved, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman Kibler and adopted. Ayes 6.

111611.6C

By Alderman Smith:

Resolved, that pursuant to their request, Lion of Judah Transformation Ministries be and the same is granted permission to use City parking lot #5 (Farmer's Market) on Saturday, November 19, 2011, to conduct a turkey Giveaway.

Seconded by Alderman McKenzie and adopted. Ayes 6.

111611.6D

By Alderman Smith:

Resolved, that pursuant to their request, the Historic Palace Theatre is hereby granted permission to barricade Elm Street from East Avenue to Walnut Street for Light Up Lockport on Saturday, December 3, 2011 from 8:00 a.m. to 4:00 p.m., and be it further

Resolved, that the Highways and Parks Department be and the same is hereby authorized and directed to deliver barricades to the area prior to the event.

Seconded by Alderman Genewick and adopted. Ayes 6.

111611.6E

By Alderman Kibler:

Whereas, the City of Lockport desires to repair and or replace the roofs of the Wastewater Plant, Water Filtration Plant, Municipal Building and the Highway Garage Salt barn, and

Whereas, proposals for the architectural design of said repairs and or replacements were received on August 26, 2011, and

Whereas, the Director of Engineering / PW has interviewed and selected Conestoga-Rovers & Associates as the architectural firm as the lowest responsible bidder,

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Conestoga-Rovers & Associates, 285 Delaware Avenue, Suite 500, Buffalo, NY for architectural services at a cost of \$171,000.00 to be charged to account to be determined by the City Treasurer.

Seconded by Alderman Pasceri and adopted. Ayes 6.

111611.6F

By Alderman Pasceri:

WHEREAS, J. David and Laura DeLange are the owners of 50 Beverly Avenue, Lockport, New York, and

WHEREAS, a tree in the City right of way has dead and decayed branches that create a dangerous condition to pedestrians and the DeLange residence, and

WHEREAS, the City tree crew inspected the tree and informed the homeowners that the City equipment was not tall enough to reach the dead branches, and

WHEREAS, the homeowners have agreed to hire a tree trimming service that is licensed to do business in the City of Lockport at the homeowners expenses to remove the dead branches and the dangerous condition it creates, now therefore be it

RESOLVED, that J. David and Laura DeLange be and are hereby authorized to hire a tree trimming service that is licensed to do business in the City of Lockport at the homeowners expenses to remove the dead branches and the dangerous condition it creates, and be it further

RESOLVED, that the homeowner shall obtain a temporary binder from its homeowners carrier naming the City as an additional insured for the time period that the work is being performed.

Seconded by Alderman Kibler and adopted. Ayes 6.

111611.6G

By Alderman Pasceri:

WHEREAS, the City of Lockport holds title and possession of 721 Market Street by the 2009 In Rem/Tax Foreclosure proceeding, and

WHEREAS, 721 Market Street is in a dilapidated condition and will have to be demolished or rehabilitated at a very substantial cost, and

WHEREAS, the Mayor and Real Property Management Committee received a letter from Larissa McKenna (Owner of adjacent property at 715 Market Street) to purchase said property for the sum of \$1.00 upon the condition that she either demolish it or rehabilitate it sufficient to obtain a certificate of occupancy from the City, and

WHEREAS, the City desires to return said property to the tax role in an improved condition, now therefore be it

RESOLVED, that pursuant to Section C-61 of the City Charter the Mayor be and is hereby authorized to execute a quit claim deed to Larissa McKenna for the sum of \$1.00 with a

reverter clause in the deed requiring the grantee to demolish the structure or rehabilitate it within a time frame to be determined by the Chief Building Inspector, and be it further

RESOLVED, that the purchaser shall be responsible for the preparation and submission to the City for recording and filing by the purchaser all title documents such as the Quit Claim Deed, Equalization Form, and Transfer Gains Tax Form and the closing must be within 60 days of the date of this resolution.

Seconded by Alderman McKenzie and adopted. Ayes 6.

111611.7

ADJOURNMENT

At 6:30 P.M. Alderman Pasceri moved the Common Council be adjourned until 6:00 P.M., Wednesday, December 7, 2011.

Seconded by Alderman Kibler and adopted. Ayes 6.

RICHARD P. MULLANEY
City Clerk